

PATENT COOPERATION TREATY

**From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY**

To:

TBK-Patent

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15. März 2004

TBK - PATENT

PCT

**WRITTEN OPINION OF THE
INTERNATIONAL PRELIMINARY
EXAMINING AUTHORITY**

(PCT Rule 66)

TBK - PATENT		Date of mailing (day/month/year)	12-03-2004
Applicant's or agent's file reference WO 33191		REPLY DUE	within 60 days from the above date of mailing
International application No. PCT / IB 2002/002181	International filing date (day/month/year) 13.06.2002	Priority date (day/month/year)	
International Patent Classification (IPC) or both national classification and IPC H04Q 7/38, H04B 7/005			
Applicant Nokia Corporation et al			

Name and mailing address of the IPEA/SE Patent- och registreringsverket Box 5055 S-102 42 STOCKHOLM Facsimile No. 46 8 667 72 88	Authorized officer Johanna Schyberg /OGU Telephone No. 46 8 782 25 00
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**WRITTEN OPINION OF THE
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY**

International application No.

PCT/IB 2002/002181

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

This opinion is based on a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

international search (under Rules 12.3 and 23.1(b))
 publication of the international application (under Rule 12.4)
 international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this opinion has been established on the basis of (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."*):

the international application as originally filed/furnished

the description:

pages _____ as originally filed/furnished
 pages _____ received by this Authority on _____
 pages _____ received by this Authority on _____

the claims:

pages _____ as originally filed/furnished
 pages _____ as amended (together with any statement) under Article 19
 pages _____ received by this Authority on _____
 pages _____ received by this Authority on _____

the drawings:

pages _____ as originally filed/furnished
 pages _____ received by this Authority on _____
 pages _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, Nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to the sequence listing (*specify*): _____

4. This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, Nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to the sequence listing (*specify*): _____

WRITTEN UNION OF THE
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

International application No.

PCT/IB 2002/002181

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

the entire international application
 claims Nos. 1-21 in part

because:

the said international application, or the said claims Nos. _____ relate to the following subject matter which does not require an international preliminary examination (*specify*):

the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____ are so unclear that no meaningful opinion could be formed (*specify*):

the claims, or said claims Nos. _____ are so inadequately supported by the description that no meaningful opinion could be formed.

no international search report has been established for said claims Nos. 1-21 in part

the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form has not been furnished

does not comply with the standard

the computer readable form has not been furnished

does not comply with the standard

the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in the Annex C-bis of the Administrative Instructions.

See Supplemental Box for further details.

WRITTEN **V**ISION OF THE
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

International application No.
PCT/IB 2002/002181

Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1,11,21</u>
	Claims	_____
Inventive step (IS)	Claims	<u>1,11,21</u>
	Claims	_____
Industrial applicability (IA)	Claims	---
	Claims	_____

2. Citations and explanations:

Prior art

In the international search report the following documents were cited:

D1: EP 1209936 A

Statement of Reason

The invention according to the description is not clear from claims 1, 11 and 21. The claims contain so many options that a lack of clarity and conciseness within the meaning of Article 6 PCT arises. Claims 1, 11 and 21 describe so few technical features that they are not novel in relation to, in principle, any document describing power control in a CDMA system, e.g. D1. Hence, the invention claimed in claims 1, 11 and 21 is not novel.

We would like to remind you that the search only has been carried out for those parts of claims 1, 11 and 21, which appear to be supported and disclosed by the description, namely a method and system for adaptive resource allocation of a physical shared channel by adjusting power or spreading factor. The method/system implies that three parameters are considered; average transmitted power, relative activity factor and weighted code blocking rate. Claims 2 and 11 are considered to disclose the invention. Hence, the dependent claims have been interpreted as dependent on claims 2 and 11. The international examination has only been carried out for those parts of the claims covered by the international search.

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